

REMARKS

Claims 1-29 are pending in the present application. Claims 14-30 have been withdrawn, Claims 1 and 11 have been amended, and Claims 35-37 have been added, leaving Claims 1-13 and 35-37 for consideration upon entry of the present amendment.

Support for the amendment to Claim 1 can be found in paragraph 22 of the application as filed. Support for the amendment to Claim 11 and new Claims 35-37 can be found in the specification and claims as originally filed, particularly paragraphs 21 and 23-25.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 11-13 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner has indicated that Claims 11-13 have insufficient antecedent basis in the Claims from which they depend. The Claims have been amended to remedy the alleged lack of antecedent basis.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1, 3, 5-6 and 8-11 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 5,874,374 to Ong. Applicants respectfully traverse this rejection.

Claim 1 has been amended to recite the amount of pore former present in the catalyst precursor, namely an amount of between 0.01 and 10 percent by weight based upon the total weight of the catalyst reagent. Ong does not teach use of any pore former in this amount, as indicated by the Examiner with regard to Claim 2.

To anticipate a claim, a reference must disclose each and every element of the claim. *Lewmar Marine v. Varient Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987). Because Ong does not teach use of between 0.01 and 10 percent by weight of pore former based upon the total weight of the catalyst reagent, Ong does not anticipate Claims 1, 3, 5-6 and 8-11.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 4, 7, 12 and 13 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Ong. Applicants respectfully traverse this rejection.

While Applicants do not agree with the Examiner's arguments regarding obviousness Applicants believe they have been overcome nonetheless by the amendment to Claim 1 from which Claims 4, 7, 12, and 13 depend. As noted above, Ong does not teach use of between 0.01 and 10 percent by weight of pore former based upon the total weight of the catalyst reagent.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Establishing a prima facie case of obviousness requires that all elements of the invention be disclosed in the prior art. *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Because Ong does not teach all elements of the claims, Ong does not provide sufficient basis for a prima facie case of obviousness.

Applicants further note that the Examiner has asserted that polyethylene wax would be an obvious variant of ethylene oxide. Applicants earnestly disagree because Ong repeatedly and forcibly requires the use of a "hydrophilic organic material" (Col. 3, lines 6-29) and it is readily and easily appreciated that waxes are not hydrophilic. Therefore waxes could hardly be an obvious variant of ethylene oxide in light of the teaching of Ong.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 07-0862.

Respectfully submitted,

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